

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Yvonne Burgi and Robert J.
Burgi,

Civ. No. 07-4772 (PJS/RLE)

Plaintiffs,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Gurstel Law Firm, PA,¹
OSI Portfolio Services, and
John and Jane Does 1-10,

Defendants.

Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. That Gurstel's Motion to Dismiss [Docket No. 6] is granted.
2. That the Burgis' Federal causes of action is dismissed with prejudice.

¹Although the Complaint identifies the Defendant as Gurstel Law Firm, P.A., counsel for Gurstel advises that the entity's proper name is now Gurstel, Staloch & Charge, P.A. Accordingly, we have substituted Gurstel, Staloch & Charge, P.A., as the named Defendant, pursuant to Rule 25(d)(1), Federal Rules of Civil Procedure.

3. That the Burgis' State law cause of action under the Minnesota Collection Agencies Act, Minnesota Statutes Section 332.37, is dismissed with prejudice, and any remaining State law actions be dismissed without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: October 17, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge